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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

KNOLL, CLIFFORD H

ART UNIT PAPER NUMBER

2189

DATE MAILED: 09/30/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/824,706

Applicant(s)

ACHARYA ET AL.

Examiner

Clifford H Knoll

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-8 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, "having been transmitted", it is not clear what has been transmitted. "[T]he corresponding access cycle" (line 3) lacks a clear antecedent basis. "[T]he corresponding packet" (lines 5, 7-8) lacks clear antecedent basis.

In claim 2, the recitation does not establish the nexus of the relationship between the "number of the packets" and the packets recited in the previous claim.

In claim 8, "having been transmitted", it is not clear what has been transmitted. "[T]he corresponding access cycle" (line 12) lacks a clear antecedent basis. "[T]he corresponding packet" (line 4) lacks clear antecedent basis.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

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applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-10 rejected under 35 U.S.C. 102(e) as being anticipated by Fung (US 6243778).

Regarding claim 1, Fung discloses storing in a table each access cycle by a retransmission manager entries identifying respective packets having been transmitted during the corresponding access cycle according to a service protocol requiring an acknowledgement receipt within a prescribed time interval (e.g., col.10, lines 66-67), resetting an acknowledgement waiting bit for a selected one of the entries by an acknowledgement manager (e.g., col.11, lines 9-12), and transferring the entries having a determined absence of the reset stored acknowledgement waiting bit upon expiration of the prescribed time interval to a transmit queue for retransmission (e.g., col.11, lines 4-5).

Regarding claim 2, Fung also discloses counting during each access cycle a number of the packets having been transmitted during the corresponding access cycle (col.11, lines 6-8).

Regarding claim 3, Fung further discloses accessing the entry for the first of the packets transmitted during an access cycle having passed the expiration of the prescribed time interval and determining whether the accessed entry includes a reset acknowledgement waiting bit (e.g., col.11, lines 3-5).

Regarding claim 4, Fung still further discloses transferring the accessed entry and selected subsequent entries based on the counted number stored in the accessed

entry to the transmit queue, independent of whether the selected subsequent entries have respective reset acknowledgement waiting bits (e.g., col.11, lines 52-64).

Regarding claim 5, Fung still further discloses deleting entries having passed beyond the expiration of the prescribed time interval (e.g., col.17, lines 41-50).

Regarding claim 6, Fung further discloses identifying entries for transfer based on the counted number stored in the entry (e.g., col.11, lines 4-5).

Regarding claim 7, Fung also discloses wherein each access cycle is defined by a prescribed number of clock cycles (e.g., col.10, lines 66-67).

Regarding claim 8, Fung discloses a table configured for storing entries identifying respective packets having been transmitted according to a service protocol requiring an acknowledgement message receipt within a prescribed time interval and an acknowledgement waiting bit (e.g., col.11, lines 9-12), a transmit queue (e.g., col.10, lines 63-65), an acknowledgement manager configured for resetting the acknowledgement waiting bit for a selected one of the entries (e.g., col.11, lines 4-5), the retransmission manager configured for storing in the table each access cycle the entries identifying the respective packets having been transmitted during the corresponding access cycle, and transferring the entries having a determined absence of the reset acknowledgement bit upon expiration of the prescribed time interval from the table to the transmit queue (e.g., col.17, lines 41-50).

Regarding claim 9, Fung also discloses comprising a counter configured for counting during each access cycle a number of the packets having been transmitted during the corresponding access cycle according to the service protocol (e.g., col.11,

lines 4-5), inserting the counted number into a number of packets field within the entry corresponding to a first of the packets transmitted during the corresponding access cycle (e.g., col.11, lines 6-14).

Regarding claim 10, Fung further discloses accessing the entry for the first of the packets having been transmitted during an access cycle having passed the expiration of the prescribed interval, the retransmission manager transferring the accessed entry and selected subsequent entries based on the counted number stored in the accessed entry and identifying that the corresponding acknowledgement waiting bit has not been reset (e.g., col.11, lines 1-12).

Therefore, Fung discloses the claimed invention.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wooten (US 5687388) discloses a similar embodiment of a retransmission manager (e.g., col. 11, lines 9-21). Herfet (US 2003/0009581) discloses another retransmission manager (e.g., paragraph [0120]). Hagersten (US 5862316) discloses a counter example in a transaction coherency application (e.g., col.28, lines 20-27).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clifford H Knoll whose telephone number is 703-305-8656. The examiner can normally be reached on M-F 0630-1500.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark H Rinehart can be reached on 703-305-4815. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2100.

chk



MARK H. RINEHART
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